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FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

SEP 3 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 93-186
Table of Allotments,	)	RM-8258
FM Broadcast Stations	)	
(Half Way and Ozark, Missouri)	)	

To: The Chief, Allocations Branch  
Mass Media Bureau

**COMMENT AND COUNTERPROPOSAL**

Missouri Radio, Inc. ("MRI") herewith comments on and submits a counterproposal to the Notice of Proposed Rule Making ("NPRM"), DA 93-729 (released July 13, 1993). MRI will show that the Commission should not adopt the FM Table amendments suggested by the NPRM and the underlying Joint Petition for Rule Making. Rather, the FCC should adopt MRI's counterproposal and allot FM Channel 256A at Humansville, Missouri as that community's first local service. In support whereof, the following is shown.

1. Ozark Mountain Broadcasting, Inc. and KYOO Broadcasting Company ("Petitioners") filed a Joint Petition for Rule Making with the Commission seeking to amend the Table of Allotments as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Half Way, Missouri	226A	256A
Ozark, Missouri	225A	225C2

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In response to Petitioner's Joint Petition, the Commission issued the NPRM seeking comments on the proposal.

2. MRI hereby advances a counterproposal to that advanced by Petitioners, and requests that the Commission amend the FM Table of Allotments as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Humansville, Missouri	---	256A

3. As authorized, Petitioners provide Half Way and Ozark with a local service, respectively. By contrast, Humansville, Missouri lacks any local service. MRI proposes to redress that unfair distribution of transmission service by allocating Channel 256A to Humansville. This change will clearly serve the public interest.

4. Under Commission policy, a proposed allotment must advance the goals of Section 307(b) of the Communications Act of 1934, as amended. The FCC judges allotment proposals by the following priorities:

- (1) first aural service;
- (2) second aural service;
- (3) first local service; and
- (4) other public-interest factors.

Priorities (2) and (3) have equal rank. Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 92 (1982).

5. Measured against these standards, MRI's counterproposal would clearly result in a preferential arrangement of FM

allotments. Half Way and Ozark, Missouri each currently enjoys one local service, respectively, but Humansville has none. Also, upon information and belief, there are approximately 15 1 mV/m signals reaching Ozark, and at least half of those are 3.16 mV/m signals. Humansville has demographic attributes that justify a first local service. Humansville's incorporated status constitutes prima facie evidence that the community warrants a first local service. Pierce, Texas et al., 8 FCC Rcd 3528, 3530 (1993); Revision of FM Assignment Policies and Procedures, 90 FCC 2d at 101.

6. Moreover, as is shown in the attached Statement of James D. Sadler, Technical Consultant for MRI, Humansville has a population of 1,084 persons and Channel 256A can be assigned without a site restriction, while meeting the required minimum distance separations with respect to all existing and proposed facilities and assignments. Assuming uniform terrain, the 60 dBu (1 mV/m) coverage contour will provide new service to an area of 2,516 square kilometers containing 25,572 persons.

7. Measured against these standards, MRI's counterproposal would clearly result in a preferential arrangement of FM allotments. Upon adoption of MRI's proposal, Half Way and Ozark would each still enjoy several local services, including KZPF(FM) and KYOO-FM. At the same time, Humansville, an incorporated city with a full range of civic attributes (including fire and police departments, city council, chamber of commerce and nearby lakeside resorts), would gain a first local service.

Date: September 2, 1993

**CARL T. JONES**  
**CORPORATION**

**STATEMENT OF JAMES D. SADLER  
IN SUPPORT OF COMMENT  
AND COUNTERPROPOSAL  
MM DOCKET NO. 93-186**

**Proponent: Missouri Radio, Inc.**

I am a Technical Consultant, an employee in the firm of Carl T. Jones Corporation, with offices located in Springfield, Virginia.

This office has been authorized by Missouri Radio, Inc. to prepare this statement and associated exhibit in support of Comment and Counterproposal to MM Docket No. 93-186. Missouri Radio, Inc. requests amendment of the FM Table of Allotments, Section 73.202(b) of the FCC Rules, in the following manner:

	<u>Present</u>	<u>Proposed</u>
Humansville, Missouri	---	256A

The allotment of Channel 256A to Humansville, Missouri, would provide the city with its first local service. As shown in the 1990 Census, Humansville is located in Polk County and has a population of 1,084 persons. Channel 256A can be assigned to Humansville without a site restriction at the geographic coordinates for Humansville as indicated by the National Mapping Division, U.S. Geological Survey.

Figure 1, herein, is an allocation study performed on channel 256A at Humansville to ensure the allotment would meet the required minimum distance separations with

**STATEMENT OF JAMES D. SADLER  
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respect to all existing and proposed facilities and assignments. The geographic coordinates used in the study are: 37° 47' 40" North Latitude; 93° 34' 40" West Longitude.

From the proposed reference site, the maximum class A station can easily provide 70 dBu (3.16 mV/m) service to all of Humansville. In addition, assuming uniform terrain, the 60 dBu (1 mV/m) coverage contour will provide new service to an area of 2,516 square kilometers containing 25,572 persons.

The above statement and associated exhibit were prepared by me or under my direct supervision and are believed to be true and correct.

DATED: August 30, 1993

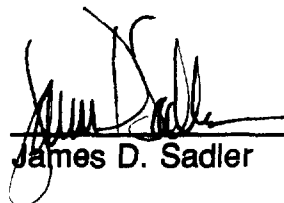
  
James D. Sadler

FIGURE 1

ALLOCATION STUDY  
CHANNEL 256A HUMANSVILLE, MISSOURI


REFERENCE COORDINATES:

37° 47' 40" NORTH LATITUDE  
93° 34' 40" WEST LONGITUDE

<u>CHANNEL</u>	<u>STATUS</u>	<u>STATION OR ALLOTMENT</u>	<u>SEPARATION (KM)</u>	
			<u>REQUIRED</u>	<u>ACTUAL</u>
253A	PRM	Lincoln, MO	31	66.4
254C1	LIC	KKHT, Springfield, MO	75	84.0
255C	LIC	KQRC-FM, Leavenworth, KS	165	166.6
256A	LIC	KYPG, Girard, KS	115	117.7
257C2	LIC	KCLR-FM, Boonville, MO	106	141.5
258A	LIC	KADI, Republic, MO	31	71.7
259C	LIC	KLTH, Kansas City, MO	95	164.9

VERIFICATION

I, J. Gregory Borders, certify that I have read the foregoing Comment and Counterproposal; that to the best of my knowledge, information and belief there is good ground to support it; and that it is not interposed for delay.

  
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J. Gregory Borders  
President  
Missouri Radio, Inc.


Dated: September 2, 1993



**CERTIFICATE OF SERVICE**

I, J. Gregory Borders, President of Missouri Radio, Inc.,  
hereby certify that I have this 2nd day of September, 1993,  
mailed by first class United States mail, postage prepaid, copies  
of the foregoing "COMMENT AND COUNTERPROPOSAL" to the following:

William J. Pennington, III  
P.O. Box 2506  
Pawleys Island, SC 29585

  
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J. Gregory Borders